

## **REMARKS**

Applicant is in receipt of the Office Action mailed August 9, 2004. Claims 1-13 were pending in the application. Applicant has amended claims 1, 4, and 6-13 and added new claims 14-25. Accordingly, claims 1-25 remain pending in the application.

The Office Action objected to the drawings because of informalities in FIG. 5 and FIG. 6. The Applicant has amended FIG. 5 and FIG. 6 as described above and has submitted replacement sheets including the amended figures herewith to overcome the objections.

The Office Action objected to the specification because of various informalities. The Applicant has amended the specification to overcome the objections.

The Office Action rejected claims 9-13 under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-5 of U.S. Patent No. 6,721,851. Applicant has amended claims 9-13. The rejection is thus believed moot.

The Office Action rejected claims 1-8 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office Action argued that the phrase “operable to” does not set forth Applicant’s invention. Applicant has amended claims 1, 4, and 6-8 to clarify Applicant’s invention. The rejection is thus believed moot.

The Office Action rejected claims 1, 4, 7, and 8 under 35 U.S.C. § 102(e) as being anticipated by Yanai (U.S. Pat. No. 6,173,377). The Office Action rejected claims 2, 3, 5, and 6 under 35 U.S.C. § 103(a) as being unpatentable over Yanai in view of Applicant’s Admitted Prior Art (hereinafter “APA”). Applicant respectfully traverses the rejections in light of the following remarks.

In regard to claim 1 (as amended), Applicant respectfully submits that Yanai does

not teach or suggest “the controller configured to detect an application write request to the destination block.” Yanai discloses a system and method for remote data mirroring involving two data storage systems interconnected by a data link. The Office Action argued that Yanai discloses the limitation “the controller configured to detect an application write request to the destination block” in Fig. 1 and at col. 9, lines 37-40. At the cited location, however, Yanai discloses a data director which controls data transfer over a communication bus. Applicant respectfully submits that Yanai does not teach or suggest detection of an application write request to a destination block. Applicant further submits that Yanai does not teach or suggest a controller which is configured to detect such a request.

Also in regard to claim 1 (as amended), Applicant respectfully submits that Yanai does not teach or suggest “the controller configured ... to stall the application write request while a data mover operation initiated by the data mover is terminated.” At the location cited by the Office Action (col. 18, lines 6-16), Yanai does disclose the temporary suspension of a write task while awaiting completion of a pending remote write. However, Yanai does not teach or suggest that a controller is configured to stall the write request while a data mover operation is terminated.

Applicant respectfully submits that Yanai fails to teach or suggest numerous other limitations of Applicant’s claimed invention. In regard to claim 14, for example, Applicant respectfully submits that Yanai does not teach or suggest “wherein the data mover is external to the controller.” Yanai discloses controllers that include data directors. Accordingly, Applicant submits that the data director in Yanai is not external to the controller.

For at least the reasons discussed above, Applicant submits that the pending claims 1-25 are patentable over Yanai in view of Applicant’s Admitted Prior Art. Applicant respectfully requests withdrawal of the Section 101, 102(e), and 103(a) rejections.

## CONCLUSION

Applicant asserts that the pending claims are in condition for allowance. Accordingly, the present response is believed to be a complete response to the issues raised in the Office Action and full reconsideration and favorable action is respectfully requested. If the Examiner has any questions, comments, or suggestions, the undersigned attorney earnestly requests a telephone conference. If any petitions for extensions of time are required or fees are due, said petitions for extensions of time are hereby requested and the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C., Deposit Account No. 50-1505/5760-06001/BNK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,



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**IN THE DRAWINGS:**

Please amend the Drawings as shown on the attached Figs. 5 and 6. FIG. 5 and FIG. 6 have been amended to include the legend "PRIOR ART." A replacement sheet including original FIG. 4 and amended FIG. 5 and a replacement sheet including amended FIG. 6 and original FIG. 7 are attached herewith.

Attachments: Replacement Sheets